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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AARON A. WAGNER,

Defendant.

Case No. 2:24mj1042

MOTION FOR PROTECTIVE ORDER

Judge Dustin B. Pead

The United States of America, by and through Assistant United States Attorney Carl D. LeSueur, respectfully requests the Court to enter a protective order in this case in the proposed form attached.

1. The Indictment in this case alleges that the defendant caused a wire in furtherance of a scheme to defraud, involving millions of dollars. Many witnesses in this case have expressed fear that defendant will retaliate against them, using his resources to threaten their financial or physical well-being. The discovery materials in this case includes witnesses' personal identification information, which defendant could use for retaliatory purposes, as well as tax information of third parties. Accordingly, the United

States respectfully submits there is good cause for a protective order un Rule 16(d) of the Federal Rules of Criminal Procedure.

2. The government intends to produce this material in discovery to the defense. All materials that the government produces to the defense are solely for the use of the defendant, his attorney, or other individuals or entities acting within the attorney-client relationship to prepare for the proceedings in this case. The purpose of the proposed protective order is to prevent the unauthorized dissemination, distribution, or use of materials containing the personal information of others.

3. Under the terms of the proposed protective order, the defendants, their attorneys, and all other individuals or entities who receive materials in this case are prohibited from directly or indirectly providing access to, or otherwise disclosing the contents of, these materials to anyone not working on the defense of this criminal case, or otherwise making use of the materials in a manner unrelated to the defense of this criminal case. Authorized use of materials related to the defense of this criminal case shall include showing and discussing such materials with government and defense witnesses.

4. In addition, the proposed protective order provides that the defendants, their attorneys, and all other individuals or entities who receive materials in this case shall maintain all materials received from the government in a manner consistent with the terms of this protective order. Materials produced to the defense shall be stored in a secure manner by defense counsel in boxes, files, or folders marked “UNDER

PROTECTIVE ORDER - DO NOT DISCLOSE.” Electronic materials produced to the defense and printouts obtained from electronic materials shall be handled in the same manner. Defendant himself shall not be permitted to keep or retain these records if placed in custody.

5. The Defendant and his attorneys are required, pursuant to the proposed protective order, to give a copy of the protective order to all individuals or entities engaged or consulted by defense counsel in preparation of the trial in this case. A knowing and willful violation of this protective order by any defendant, his attorney, or others may result in contempt of court proceedings or other civil or criminal sanctions.

6. The protective order finally proposes that, within 90 days of the conclusion of this case, including all related appeals and collateral proceedings, all documents produced pursuant to the terms of the proposed protective order, and all copies thereof (other than exhibits of the Court), shall be returned to the United States Attorney’s Office. Alternatively, defense counsel may inform the United States Attorney’s Office in writing that all such copies have been destroyed.

Respectfully submitted,

DATED this 5th day of November, 2024.

TRINA A. HIGGINS
United States Attorney

/s/Carl D. LeSueur
CARL D. LESUEUR
Assistant United States Attorney